

Message Text

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PAGE 01 KINSHA 08742 111605Z
ACTION AF-10

INFO OCT-01 ISO-00 TRSE-00 EB-08 PM-05 L-03 AID-05
XMB-04 SSO-00 /036 W
-----048320 111613Z /64
O 111500Z AUG 78
FM AMEMBASSY KINSHASA
TO SECSTATE WASHDC IMMEDIATE 1397
INFO SECDEF WASHDC//DSAA-ISA//
USCINCEUR VAIHINGEN GE//ECJ4/7//

UNCLAS KINSHASA 8742

DEPT FOR AF

E.O. 11652: N/A
TAGS: MASS, EFIN, CG
SUBJECT: BROOKE AMENDMENT RESTRICTIONS OF FMS ACTIONS

REF: STATE 200947 (NOTAL)

1. PARA 2 REFTTEL STATES THAT APPROVAL OF NEW USES OF FMS CREDIT FUNDS (I.E. NEW LETTERS OF OFFER) WILL NOT BE FORTHCOMING AS LONG AS GOZ ARREARAGES REMAIN UNPAID OR OTHER CONDITIONS OF THE LAW ARE NOT SATISFIED. ON-GOING FMS CASES APPROVED PRIOR TO 2 JULY ARE NOT AFFECTED.

2. IT APPEARS THAT THIS WILL BE A RECURRING PROBLEM AS NEW ONE-YEAR ARREARAGES ARE APPARENTLY GOING TO APPEAR EVERY THREE MONTHS AND TRIGGER THE BROOKE AMENDMENT RESTRICTIONS. GOZ WILL THEN PAY THE BILL (HOPEFULLY BUT IT PRECEDENT IS ANY GUIDE, PAYMENT WILL BE ANYWHERE FROM 4 TO 6 WEEKS LATE, LEAVING SIX WEEKS BEFORE THEY ARE AGAIN OVER ONE YEAR IN ARREARS. THIS SCENARIO CAN BE PROJECTED INDEFINITELY.

3. GOZ CURRENTLY HAS A NUMBER OF PENDING FMS CASES (LOA'S) AFFECTED BY THE BROOKE AMENDMENT RESTRICTIONS. CASE KBB IS A UNCLASSIFIED

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CONTINUATION OF THE CURRENT C130 SUPPLY SUPPORT AGREEMENT FOR AN ADDITIONAL YEAR. THE LOA WAS RECEIVED BY ZAMISH 10 AUG AND THE OFFER EXPIRES ON 31 AUG 78. THE USG SIGNED THIS LOA ON 26 MAY; GOZ HAS NOT YET SIGNED IT. SECSTATE HAS APPROVED FMS CREDIT FUNDING FOR C130/CESSNA/SWIFT BOAT SUPPORT IN THE AMOUNT OF 5.1 MILLION PRIOR TO 02 JULY (STATE 180794). CZAMISH FEELS THAT IMPLEMENTATION OF THIS LOA WOULD NOT BE IN VIOLATION OF THE

BROOKE AMENDMENT DUE TO THE OFFICIAL USG APPROVAL ACTIONS PRIOR TO 2 JULY NOTED ABOVE AND ACCORDINGLY, THAT GOZ COULD GO AHEAD AND SIGN THE LOA. TIME IS CRITICAL TO PRECLUDE INTERRUPTION OF VITAL C130 SPARES SUPPORT AND EVEN WITHOUT THE BROOKE AMENDMENT COMPLICATIONS THIS WOULD HAVE TO BE AN EXPEDITED SIGNATURE PROCESS FOR GOZ. REQUEST GUIDANCE.

4. OTHER FMS ACTIONS:

- A. CASE PCH- GENERATOR REQUEST. REQUEST FOR P AND B SUBMITTED
- B. CASE PCI - ELECTRONIC TEST EQUIPMENT. REQUEST FOR P AND A SUBMITTED
- C. CASE PCK - AN/URC 12 RADIO PURCHASE. P AND B ESTIMATE RECIEVED. AWAITING GOZ RESPONSE.
- D. CASE UDQ - PURCHASE OF M816 WRECKERS AND M35 2C TRUCKS. AWAITING AMENDED LOA REDUCING NUMBER OF TRUCKS FROM 700 TO 200. ORIGINAL LOA SIGNED 31 MAR 78.
- E. CASE UDR - SPARE PARTS AND SUPPORT EQUIPMENT FOR TRUCK AND WRECKER PURCHASE. AWAITING AMENDED LOA. ORIGINAL LOA SIGNED PRIOR TO 2 JUL 78.
- F. CASE UDY - SLEEPING BAGS, AIR MATTRESSES, AND TENTS FOR 2000 MEN. LOA REQUEST SUBMITTED 31 JULY.
- G. CASE UDX - 1000 PARACHUTES. LOA REQUEST SUBMITTED 31 JULY.

5. TWO OTHER FMS CASES WILL REQUIRE RENEWAL IN THE NEXT 90-120 DAYS: FMS CASE OAF, ENGLISH LANGUAGE ADVISOR, EXPIRES 10 NOV, AND FMS CASE GAG, LOCKHEED TECHNICAL ASSISTANCE, EXPIRES 31 DEC.
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DLEIC WILL REMOVE THE ENGLISH LANGUAGE ADVISOR IMMEDIATLEY AFTER 10 NOV IF THE CASE IS NOT RENEWED. LOCKHEED HAS STATED THAT THEY WILL BEGIN TO CLOSE DOWN AND DEPART IF A NEW LOA IS NOT SIGNED BY 1 DEC 78. BOTH OF THESE TECHNICAL ASSISTANCE OPERATIONS ARE ESSENTIAL TO GOZ'S PROGRAM OF MILITARY REORGANIZATION, THE C130 OPERATION ON A DAILY BASIS, AND THE LANGUAGE SCHOOL OVER THE LONG TERM, AS US TRAINED OFFICERS ASSUME MORE MANAGEMENT AND LEADERSHIP POSITIONS IN THE GOZ MILITARY FORCES.

6. A PROPOSED MODUS OPERANDI IS TO HAVE LOA PREPARATIONS AND OTHER FMS TRANSACTIONS CONTINUE IN A NORMAL FASHION UP TO THE POINT OF SUBMISSION TO GOZ FOR SIGNATURE. AT THAT POINT, IF GOZ IS IN A STATE OF TECHNICAL NON-ARREARAGE, THE LOA CAN BE SUBMITTED FOR SIGNATURE; IF NOT, THE LOA CAN BE WITHHELD UNTIL THE CURRENT ARREARAGE IS SETTLED. IN OUR JUDGEMENT CONTRACT WOULD BECOME VALID WHEN BOTH USG AND GOZ HAVE SIGNED. IN THIS LIGHT IF GOZ CONTINUES TO SHOW GOOD FAITH BY PAYING THE ARREARAGES, THE USG SHOULD PERHGAPS ATTEMPT TO RESPOND IN KIND IF LEGALLY POSSIBLE WITHIN THE SCOPE OF THE OF THE BROOKE AMENDMENT. WOULD APPRECIATE DEPT'S COMMENTS ON FOREGOING EMBASSY PROPOSAL.
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